

MARYLAND CODES ADMINISTRATION

Maryland Building Rehabilitation Code

COMAR 05.16.01

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Title 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 16 MARYLAND BUILDING REHABILITATION CODE

Chapter 01 Maryland Building Rehabilitation Code Regulations

Authority: Public Safety Article, §12-1004, Annotated Code of Maryland

.01 Title.

This chapter shall be known and cited as the Maryland Building Rehabilitation Code Regulations.

.02 Purpose and Applicability.

A. The purpose of this chapter is to adopt the International Existing Building Code (IEBC), as described in this chapter, to encourage the continued use or reuse of legally existing buildings and structures.

B. This chapter applies to all rehabilitation projects for which a construction permit application is received after the effective date of this chapter by:

- (1) A local jurisdiction;
- (2) The Maryland-National Capital Park and Planning Commission; or
- (3) The Washington Suburban Sanitary Commission.

.03 Incorporation by Reference.

A. The 2012 International Existing Building Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001), as described in this chapter, is incorporated by reference.

B. The 2012 International Existing Building Code, as described in this chapter, shall constitute the Maryland Building Rehabilitation Code.

C. Modifications to the 2012 International Existing Building Code.

(1) Chapter 1. Add note to Chapter 1 of the IEBC: Local jurisdictions are responsible for the implementation and enforcement of the Maryland Building Rehabilitation Code. Refer to each local jurisdiction for local amendments to Chapter 1 of the IEBC.

(2) Chapter 1. Delete Section 101.6 Appendices and replace with the following:

101.6 Appendices. The Appendices A through C and Resource A are adopted as part of this code.

(3) Chapter 2. Delete the definition of “Addition” in Section 202 and replace with the following:

“Addition” means an increase in:

- (a) a building or a structure area;
- (b) aggregate floor area of a building or a structure;
- (c) height of a building or a structure; or
- (d) number of stories of a building or a structure.

(4) Chapter 2. Delete the definition of “Change of Occupancy” in Section 202 and replace with the following:

“Change of Occupancy” means a change in the purpose or level of activity in a building or structure that involves a change in application of the local building code requirements.

(5) Chapter 2. Delete the definition of “Existing Building” in Section 202 and replace with the following:

“Existing Building” means a building or structure that was erected and occupied, or was issued a certificate of occupancy, at least 1 year before a construction permit application for the building or structure was made to a local jurisdiction, the Maryland –National Capital park and Planning Commission, or the Washington Suburban Sanitary Commission.

(6) Chapter 4. Delete Section 410.1 Scope and replace with the following:

410.1 Scope. The provisions of Sections 410.1 through 410.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings including those identified as historic buildings. For additions, alterations, or change of use of existing buildings of four or more dwelling units, the alteration, change of use or addition to an existing residential building of four or more units shall comply as follows:

a. Dwelling units shall comply by either:

- (i) Containing at least one dwelling unit for every 25 dwelling units, or fraction of dwelling units, in the structure that is accessible and usable according to the requirements pertaining to dwelling units in ANSI A117.1-1986, with the complying dwelling units proportionally distributed throughout all types of units, or
- (ii) Having dwelling units at the accessible levels comply with the requirements for Type B dwelling units.

b. If the addition or alteration involves common area facilities and parking, it shall be accessible in accordance with the Maryland Accessible Code pertaining to covered multifamily dwellings.

(7) Chapter 4. Delete Exception to section 410.4 Change of Occupancy.

(8) Chapter 4. Delete Exception 3 and Exception 4 to Section 410.6 Alterations.

(9) Chapter 4. Delete Section 410.8.9 Type B dwelling or sleeping units.

.04 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Advisory Council" means the Maryland Building Rehabilitation Code Advisory Council established by Public Safety Article, §12-1003, Annotated Code of Maryland.

(2) "Complex rehabilitation project involving multiple codes" means a rehabilitation project or portion of a project that involves two or more construction codes listed in Regulation .11B of this chapter and is in:

(a) One of the following categories of work:

(i) Addition;

(ii) Change of occupancy; or

(iii) Reconstruction; or

(b) Any category of work and involves the installation of sprinklers.

(3) "Construction permit application" means an application made to a local jurisdiction for a permit or other governmental approval for a rehabilitation project.

(4) "Department" means the Department of Housing and Community Development.

(5) "International Existing Building Code (IEBC)" means the 2012 International Existing Building Code, as incorporated by reference under Regulation .03 of this chapter.

(6) "Local jurisdiction" means any of the 23 counties in Maryland, the City of Baltimore, and any municipal corporation in Maryland subject to the provisions of Article XI-E of the Maryland Constitution.

(7) "Minimum Livability Code" means COMAR 05.02.03, exclusive of any local amendments or codes that may have been adopted.

(8) "Secretary" means the Secretary of the Department of Housing and Community Development.

.05 Enforcement and Administration.

A. The enforcement and administration of this chapter shall be the responsibility of local jurisdictions, using existing procedures.

B. Refer to each local jurisdiction for the local administrative and enforcement procedures described in Chapters 1 and 15 of the IEBC.

.06 Preliminary Meeting.

A. If a building permit is required for a complex rehabilitation project involving multiple codes, at the request of the prospective permit applicant, after payment of a fee, if required, and before the submission of the construction permit application, the authority having jurisdiction, or the authority's designee, and individuals who are agency representatives in accordance with §B of this regulation, shall meet with the prospective applicant to discuss plans for any proposed work or change of occupancy under this chapter before the application for the permit is submitted.

B. The preliminary meeting, to the extent possible, shall include the officials responsible for permit approval and enforcement in the following areas, as may be applicable to the rehabilitation project:

- (1) Building code;
- (2) Mechanical code;
- (3) Plumbing code;
- (4) Electrical code;
- (5) Fire code;
- (6) Boiler code;
- (7) Energy code;
- (8) Elevator code; and
- (9) Local historic preservation ordinances.

C. When possible, a single meeting of all the parties shall be arranged.

D. The purpose of the preliminary meeting is for the prospective applicant to present its intentions for the proposed work to the responsible code officials so that together they can determine which specific requirements of this chapter and the codes listed in §B of this regulation are to be applied to the proposed project.

E. Decisions made at the preliminary meeting regarding the specific requirements of this chapter and the codes listed in §B of this regulation that are to be applied to the proposed project are binding on the prospective applicant and the code officials, their respective agencies, and local jurisdictions unless circumstances arise that were unknown or could not be ascertained by the prospective applicant at the time of the preliminary meeting.

F. For a rehabilitation project or portion of a project that is in the repair, renovation, or modification category of work, a preliminary meeting may be granted at the discretion of the authority having jurisdiction when a request for a preliminary meeting is made by the prospective applicant before the submission of the construction permit application.

.07 Maryland Building Rehabilitation Code Advisory Council.

The responsibilities and duties of the Advisory Council are as follows:

- A. Advise the Department on development, adoption, and revisions to this chapter;

B. Provide technical advice on the interpretation of this chapter to property owners, design professionals, contractors, local jurisdiction code officials, and local jurisdiction code appeal boards;

C. To the extent possible, develop this chapter in a way that avoids increased costs to local jurisdictions arising from implementation of this chapter; and

D. To the extent provided for in the State budget, provide training on this chapter to code officials and other public and private construction-related professionals.

.08 Review Process for Proposed Amendments by Local Governments.

A. A local government or an organization that represents a local government may propose an amendment to this chapter that will be applicable statewide.

B. Proposed Amendment. A proposed amendment shall:

(1) Be submitted in writing to the Director of the Advisory Council;

(2) Identify the section or sections of this chapter involved; and

(3) Include proposed deletions or additions to this chapter, the reasons for the request, and any supporting documentation.

C. Within 10 business days of receipt, the Director shall forward a proposed amendment to the Advisory Council and provide a copy to the Secretary.

D. The Advisory Council shall consider a proposed amendment not later than at its next regular meeting that is at least 30 days after the Director forwards a proposed amendment.

E. The Advisory Council may request additional information from:

(1) The local government or organization proposing an amendment;

(2) Staff of the Department;

(3) Other State agencies; or

(4) Others with experience in the subject matter of a proposed amendment.

F. Within 120 days of receipt by the Advisory Council of a proposed amendment or any requested additional information, whichever is later, the Advisory Council shall make a recommendation to the Secretary on whether to adopt, modify, or reject a proposed amendment.

G. The Secretary shall decide whether to adopt, modify, or reject a proposed amendment and whether to adopt any change to this chapter necessary to implement that decision in accordance with the Administrative Procedure Act.

H. Subject to Public Safety Article, §12-1007(d), Annotated Code of Maryland, a local jurisdiction may adopt amendments to the IEBC that apply only to the local jurisdiction without submitting the amendments to the Advisory Council for approval.

I. A local jurisdiction that amends the IEBC shall provide a copy of the amendment to the Department:

- (1) at least 15 days before the effective date of the amendment; or
- (2) within 5 days after the adoption of an emergency local amendment.

Administrative History

Effective date: June 1, 2001 (28:10 Md. R. 946)

Regulations .01—.09 repealed and new regulations .01—.13 adopted effective July 16, 2007 (34:14 Md. R. 1245)

Regulation .03 amended effective July 1, 2010 (37:13 Md. R. 851)

Regulation .04B amended effective July 1, 2010 (37:13 Md. R. 851)